

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of)
)
Information associated with One Target) Case No. MJ21-127
Account for Investigation of 18 U.S.C. § 1951)
and Other Offenses)

APPLICATION FOR A SEARCH WARRANT AND PEN-TRAP ORDER

I, a federal law enforcement officer or an attorney for the government, request a search warrant and pen-trap order, and state under penalty of perjury that I have reason to believe that on the person or property described in Attachment A, located in: the Northern District of California, there is now concealed property and evidence described in Attachment B. This Court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 1951

Offense Description
Hobbs Act Robbery

The application is based on the facts set forth in the attached affidavit, which is incorporated herein by reference with all attachments and exhibits. Pursuant to 18 U.S.C. § 3123(a)(1), Exhibit 1 to the affidavit includes a certification from an attorney from the government that the requested information is relevant to an ongoing criminal investigation.

☒ Delayed notice of 90 days (give exact ending date if more than 30 days: July 15, 2021) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 41, this warrant is presented by:

☒ by reliable electronic means; or ☐ telephonically recorded

Catherine Cole Digitally signed by Catherine Cole
Date: 2021.03.01 14:15:14 -08'00'

Applicant's signature

Catherine Cole, Special Agent
Printed name and title

- ☐ The foregoing affidavit was sworn before me and signed in my presence, or
- ☒ The above-named officer provided a sworn statement attesting to the truth or the foregoing affidavit by telephone.

Date: March 2, 2021 3:30 pm


Judge's signature

City and state: Seattle, Washington

Mary Alice Theiler, United States Magistrate Judge
Printed name and title

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

Pen Register Act

4. Because this warrant seeks the prospective collection of information that falls within the statutory definitions of information collected by a “pen register” and/or “trap and trace device,” *see* 18 U.S.C. § 3127(3) & (4), the requested warrant is designed to comply with the Pen Register Act, 18 U.S.C. §§ 3121-3127.

5. The Court has jurisdiction to issue the requested pen-trap order because it is a “court of competent jurisdiction” under 18 U.S.C. § 3122(a)(2). Specifically, the Court is a district court of the United States that “has jurisdiction over the offense being investigated.” 18 U.S.C. § 3127(2)(A)(i).

6. This application includes all the information required by the Pen Register Act. *See* 18 U.S.C. §§ 3122(b) & 3123(a)(1). Namely, Exhibit 1 to this application is a certification from Assistant United States Attorney Erin H. Becker that (1) identifies the Bureau of Alcohol, Tobacco, Firearms and Explosives as the law enforcement agency conducting the investigation and (2) certifies the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency. 18 U.S.C. § 3122(b). The Assistant United States Attorney is an “attorney for the government” as defined in Rule 1(b)(1) of the Federal Rules of Criminal Procedure.

7. A “pen register” is “a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted.” 18 U.S.C. § 3127(3). A “trap and trace device” is “a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication.” 18 U.S.C. § 3127(4).

8. In the traditional telephone context, pen registers captured the destination phone numbers of outgoing calls, while trap and trace devices captured the phone numbers of incoming calls. Similar principles apply to other kinds of wire and electronic communications such as emails, text messages, connection logs, and data transfers. The

1 prospective location data sought in this application constitutes “dialing, routing,
2 addressing, and signaling information” covered by the Pen Register Act. Accordingly, the
3 requested warrant will record, decode, and/or capture dialing, routing, addressing, and
4 signaling information associated with the Target Account without geographic limit.

5 9. The United States further requests, pursuant to 18 U.S.C. §§ 3123(b)(2) and
6 3124(a)-(b), that the Court order through Attachment B of the requested warrant that
7 Facebook and any other person or entity providing wire or electronic communication
8 service in the United States whose assistance may facilitate execution of this warrant
9 furnish, upon service of the warrant, information, facilities, and technical assistance
10 necessary to install the pen/trap, including installation and operation of the pen-trap
11 unobtrusively and with minimum disruption of normal service. Any entity providing such
12 assistance shall be reasonably compensated by ATF, pursuant to 18 U.S.C. § 3124(c), for
13 reasonable expenses incurred in providing facilities and assistance in furtherance of the
14 warrant.

15 10. **Through this application, the United States does not request and does**
16 **not seek to obtain the contents of any communications, as defined in 18 U.S.C.**
17 **§ 2510(8).**

18 AGENT BACKGROUND

19 11. I am a Special Agent (SA) with the United States Department of Justice
20 (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so
21 employed since 2013. I am an “investigative or law enforcement officer of the United
22 States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an
23 officer of the United States who is empowered by law to conduct investigations of, and to
24 make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. I am
25 currently assigned to the Seattle Group V Field Office where I am further assigned to the
26 Puget Sound Regional Crime Gun Task Force (PSRCGTF).

27 12. I am a graduate of the Federal Law Enforcement Training Center, Criminal
28 Investigator Training Program, and the ATF National Academy, both in Glynco, Georgia.

1 During this 27-week training, I received instruction relating to the investigation of
2 firearm and explosives violations. Following this training, I received one year of on-the-
3 job training in the field. Prior to this employment, I obtained bachelors' degrees in
4 Political Science with a concentration on international relations and French from Tulane
5 University in New Orleans, Louisiana, and a master's degree in Natural Resources Law
6 Studies from the University of Denver College of Law in Denver, Colorado. During my
7 career with ATF, I have had training and experience investigating violent crimes against
8 persons and crimes against the government. I have been involved in numerous
9 investigations involving the unlawful purchase and/or unlawful possession of firearms
10 and explosives. I have also participated in and executed search and seizure warrants with
11 respect to the illegal possession of firearms and explosives.

12 13. The facts in this affidavit come from my personal observations, my training
13 and experience, and information obtained from other agents and witnesses. This affidavit
14 is intended to show that there is sufficient probable cause for the requested warrant and
15 pen-trap, and therefore does not set forth all of my knowledge about this matter.

16 14. Based on the facts set forth in this affidavit, there is probable cause to
17 believe that WAYNE ERIC PORTER JR. has violated 18 U.S.C. § 1951 (Hobbs Act
18 Robbery). Because WAYNE ERIC PORTER JR. is believed to have fled to Eastern
19 Washington after the robbery, the details of which are set forth herein, there is also
20 probable cause to believe that WAYNE ERIC PORTER is aware of his pending legal
21 jeopardy and has fled. There is also probable cause to believe that the location
22 information described in Attachment B will assist law enforcement in arresting WAYNE
23 ERIC PORTER JR., who is a "person to be arrested" within the meaning of Federal Rule
24 of Criminal Procedure 41(c)(4).

25 **PROBABLE CAUSE**

26 15. The United States, including the ATF, is conducting a criminal
27 investigation of WAYNE ERIC PORTER JR. regarding possible violations of 18 U.S.C.
28 § 1951 (Hobbs Act Robbery).

1 16. J.B. and L.M. are business partners, and together they own and operate
2 Marci Jewelry, located at 1048 116th Avenue NE, Bellevue, Washington. Marci Jewelry
3 is a jewelry store engaged in interstate commerce, as discussed further below. It is in the
4 “Design Market” shopping center in Bellevue, which has approximately a dozen shops,
5 and is close to Bellevue Square and other major retail centers.

6 17. On May 31, 2020, at approximately 5:40 p.m., J.B. received a phone call
7 from L.M. about concerns of riots and looting that was going on at that time in the City of
8 Bellevue, within the Western District of Washington. Beginning in late May 2020, and
9 continuing well into June and beyond, major protests were occurring throughout the
10 Puget Sound region, including in Bellevue, and indeed throughout the country.
11 Sometimes, individuals would come to the area of the protests and then engage in
12 vandalism, looting, rioting, and other criminal activities. L.M. told J.B. that she was
13 concerned about the possibility of Marci Jewelry being broken into and looted.

14 18. J.B. went to his business to check on it. He was armed with a handgun in a
15 holster under his jacket. He walked around the front of his business acting like he was
16 security, hoping to deter anyone. At approximately 6:30 p.m., J.B. observed several
17 vehicles pull into the parking lot together and park next to each other. Approximately ten
18 males got out of the various vehicles and approached his store armed with a hammer and
19 other weapons, including possibly an axe, machete, or other similar types of weapons.
20 (Later, it was determined by watching City of Bellevue traffic-flow cameras that two of
21 these males had already been in the parking lot and were associated with other vehicles.)
22 The suspects had masks covering parts of their faces.

23 19. J.B., who was in front of his store, saw that they were approaching with
24 weapons. He pulled his gun out of the holster, but did not point it at them. J.B. recollected
25 he told them something like, “No, you aren’t going to do it.” One of the males in this
26 group then threatened J.B. by saying, “You want some bullets n*****, we got bullets for
27 you.” Two of the males pulled up their shirts and displayed handguns in their waistbands.
28 Most of the others also made movements to their waistbands, which J.B. understood to be

1 an indication that they also had handguns. J.B. took this as a threat that they would shoot
2 him. Fearing for his safety, he stepped aside.

3 20. The male suspect who made the threat, and who was near the front of the
4 group, then broke the front-door windows with his hammer, and all ten suspects made
5 entry into the store through the broken front door. While inside the store, the suspects
6 broke displays and caused other damage to the store lighting. The suspects stole
7 cufflinks, money clips, the store's forty-year collection of ring molds, and other
8 miscellaneous items.

9 21. Because the store had been closed, the store's jewelry was locked inside the
10 safe, which the suspects did not get into. After about a minute, the suspects fled the scene
11 and drove away in their vehicles. The damage to the store itself was estimated at
12 approximately \$20,000, and value of the items stolen was estimated at approximately
13 \$5,000.

14 22. When the suspects made entry into Marci Jewelry, one or more of them
15 were cut by the broken glass, and blood was found on a piece of Plexiglas inside the
16 business by the front door. A swab of a sample of the blood was booked into Bellevue
17 Police (BPD) evidence for DNA testing by the Washington State Patrol Crime Lab.

18 23. On June 7, 2020, BPD Major Crimes Detective (Det.) Robertson started to
19 review City of Bellevue traffic-flow video to see if she could identify any of the vehicles
20 involved in the robbery. Det. Robertson observed that, prior to the robbery, at 6:23 p.m.,
21 a black Nissan sedan drove around downtown Bellevue. It traveled through downtown
22 Bellevue and then eastward. Det. Robertson observed that the driver was wearing a blue
23 top, the front passenger was wearing a red top, and a rear passenger was wearing a white
24 top. Det. Robertson could not tell if anyone else was in the vehicle at this point.

25 24. At approximately 6:32 p.m., the same black Nissan drove through the
26 Design Market shopping mall parking lot and went past Marci Jewelry. The black Nissan
27 then exited and drove to an AM/PM gas station nearby, located at 11611 NE 8th Street,
28 Bellevue, King County, Washington. There were numerous vehicles in the AM/PM

1 parking lot, including a silver Nissan Maxima and a silver Hyundai sedan. Det. Robertson
2 observed that the black Nissan stopped in front of the silver Hyundai. The black Nissan
3 then exited the lot, and the silver Nissan and silver Hyundai followed it.

4 25. At 6:36 p.m., the black Nissan (a Sentra), the silver Nissan (a Maxima), and
5 the silver Hyundai pulled into the parking lot at Marci Jewelry and parked next to each
6 other in the south end of the parking lot. Det. Robertson observed the occupants get out
7 of these three vehicles and open and close their trunks. There were a lot of other vehicles
8 and people in the parking lot at this time. Det. Robertson observed two subjects,
9 associated with two other vehicles in the parking lot, walk in the direction of the group of
10 individuals who had just exited the black Nissan Sentra, the silver Nissan Maxima, and
11 the silver Hyundai. These two subjects did not appear to be with the group of individuals
12 who had arrived in the three cars, but joined them, making a group of ten.

13 26. These ten individuals then went towards Marci Jewelry. Trees blocked the
14 camera view, so Det. Robertson was unable to see them enter Marci Jewelry from these
15 traffic cameras. After approximately one minute, the group of individuals then ran back
16 to the three vehicles, got in them, and fled the parking lot. The two individuals who had
17 joined them then returned to their own vehicles.

18 27. The black Nissan drove north and eventually got onto westbound Highway
19 520. The silver Hyundai drove north back to NE 8th Street and then went east on NE 8th
20 Street. The Hyundai then turned right into the driveway for the Chevron/Tiki Car Wash,
21 which is located at 11909 NE 8th Street, Bellevue, King County, Washington. This
22 driveway cuts through to the shopping area to the south of it. The Chevron/Tiki Car Wash
23 is next to Bartell Drugs, which is located at 11919 NE 8th Street, Bellevue, King County,
24 Washington.

25 28. The silver Nissan drove south and tried to go west on NE 8th Street;
26 however, the Washington State Patrol had closed westbound NE 8th Street. The silver
27 Nissan then did a U-turn, drove into oncoming traffic, and then went north. It eventually
28 drove back south until it pulled into a Shell gas station, which is located at 12001 NE 8th

1 Street, Bellevue, King County, Washington. This is across the street from the Bartell
2 Drugs mentioned above. Det. Robertson observed three suspects get out of the silver
3 Nissan and run towards Bartell Drugs. The silver Nissan then drove out of the Shell
4 parking lot, went over the median for 120th Avenue NE, and then into the driveway for
5 Bartell Drugs.

6 29. Det. Robertson later obtained security video from the AM/PM. She was
7 able to determine that, before the robbery, at 6:20 p.m., the silver Nissan Maxima arrived
8 and parked. The below three suspects were in that vehicle, as captured on store
9 surveillance video:





21. At 6:25 p.m., the silver Hyundai sedan arrived and parked. The below two suspects were in that vehicle. The male in red was driving the vehicle. Det. Robertson observed that he kept looking at his cellular phone and doing something on it, possibly messaging someone. He then put on gloves.



1 22. A few minutes later, the driver of the silver Hyundai saw one of the
2 suspects from the silver Nissan and they hugged, indicating that they knew each other.
3 After they greeted, they went back to their own vehicles. The driver of the Hyundai again
4 was doing something on his cellular phone, as if waiting for a message or phone call. At
5 the same time, as he finished checking his phone, the black Nissan pulled into the
6 AM/PM parking lot and stopped in front of the Hyundai. The driver of the Hyundai and
7 the front passenger of the black Nissan spoke. The black Nissan then pulled out of the
8 parking lot, and the silver Hyundai and silver Nissan followed. They then drove to Marci
9 Jewelry where they then committed the robbery.

10 **VIDEO SURVEILLANCE DURING THE ROBBERY**

11 23. Following the robbery, Det. Robertson obtained the security video from
12 Marci Jewelry. She observed J.B. initially stand in front of the store. J.B. then backed
13 away as ten suspects approached the front of Marci Jewelry. A male wearing a blue
14 sweatshirt and carrying a backpack and hammer stopped at the front door. This male
15 suspect turned toward J.B.'s direction, and then used his hammer to smash the front door
16 windows. All ten suspects then entered the store.

17 24. I reviewed surveillance video and still images taken from the Marci Jewelry
18 surveillance system. During my review of the multiple camera and angles, I noticed that
19 one of the individuals, hereinafter referred to as Suspect A, who entered Marci Jewelry
20 during the robbery wore what appeared to be a dark-colored hoodie with the hood down
21 and dark-colored pants. This same individual appeared to be wearing slip-on sport
22 sandals over dark socks and a bandana or wrap of some kind around the lower portion of
23 his face.
24
25
26
27
28



VIDEO SURVEILLANCE BEFORE AND AFTER THE ROBBERY

25. Based on my review of video surveillance taken from businesses located in the vicinity of Marci Jewelry in Bellevue, Washington, I have learned the following, in substance and in part:

- a. Video surveillance from the AM/PM parking lot only minutes before the robbery showed Suspect A, a black male wearing a dark hoodie, dark green pants, black slip-on sport sandals with black socks (the left pant leg tucked inside the sock), with a black and white patterned bandana around his neck. Suspect A was with an associate, a black male, wearing a red North Face-brand hoodie with logo on the back, a flat-billed Chicago Bulls baseball cap with a circular, shiny

1 sticker on the top side of the bill, khaki-colored pants, and white sneakers with red
2 accents, hereinafter referred to as Suspect B, loitering in the parking lot and
3 speaking with others in the area. Suspect A and Suspect B wore the same clothing
4 as two of the suspects in the Marci Jewelry robbery.



16 *"Suspect A" at the AM/PM*



28 *"Suspect A" during the Marci Jewelry robbery*



"Suspect B" at the AM/PM



"Suspect B" during the Marci Jewelry robbery

b. Following the Marci Jewelry robbery, at approximately 6:48 p.m., video surveillance obtained from a nearby Bartell drug store, located at 11919 NE 8th Street in Bellevue, showed Suspect A and Suspect B, who were both still wearing the same clothing as while they were at the AM/PM and during the Marci

1 Jewelry robbery earlier in the day, are seen approaching the front door and peering
2 inside. Suspects A and B momentarily disappeared out of the frame, but then came
3 back, at which time Suspect A broke the glass front door before both suspects
4 made entry and began stealing items from the store.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28





Suspects A and B entering the Bartell drug store

26. On July 29, 2020, BPD sent out a media release in an attempt to identify the suspects involved in the robbery. Video clips were also released to the media showing the robbery at Marci Jewelry and the burglary at Bartell Drugs.

27. On July 30, 2020, J.B. contacted Det. Robertson after seeing the media release and told her he recognized the item Suspect A used to smash display cases inside the Bartell drug store following the Marci Jewelry robbery. J.B. explained that it was the mandrel, a device used to round out wire and metal and to size rings, which was stolen during the Marci Jewelry robbery.



Suspect A inside the Bartell Drug Store holding what J.B. identified as a mandrel

28. On July 31, 2020, a local news program, *Washington's Most Wanted*, aired on Q13 Fox News and showed video clips and still images of the suspects involved in the Marci Jewelry robbery. An online article was also posted to the Q13 Fox News website with still images.

29. On August 11, 2020, I received information from Det. Robertson that an anonymous tip was received regarding Suspect A in the Marci Jewelry robbery. The tip stated, "I seen the video of Jewlery [sic] store being robbed in Bellevue with 2 suspect brothers from Tacoma already caught¹ and suspect I notice is Thomas lee he wear sweats n black slides."

30. Det. Robertson was able to locate one Thomas Eugene Lee Jr. (date of birth 04/05/19XX) by querying a regional law enforcement database. Det. Robertson was able to obtain a 2019 booking photo of Thomas Eugene Lee Jr.

¹ During this investigation, Det. Robertson and I, along with other investigators, identified two brothers who were living in Tacoma as participants in this robbery. They were the driver (Jaaron Davis) and one of the occupants (Deondre Davis) of the black Nissan. They were arrested on July 24, 2020, and search warrants were executed on their home and car; items seized included property stolen from Marci Jewelry during the robbery; a hammer, likely the one used to break the glass door at Marci Jewelry; and clothing consistent with the clothing worn by two robbers during the robbery. On September 23, 2020, a grand jury in this District returned an Indictment charging both Deondre and Jaaron Davis with Robbery, pursuant to 18 U.S.C. §§ 1951(a), (b)(1), and 2, under cause number CR20-160 RSL.



31. I also conducted a law enforcement database check for Thomas Eugene Lee Jr. to retrieve his criminal history report and to locate photos for comparison with Suspect A. A Washington Department of Licensing (DOL) check revealed Thomas Eugene Lee Jr.'s driver's license photo, issued with his license on April 9, 2019.



32. On August 19, 2020, I conducted a law enforcement database check for pawn sales and purchases in Washington State for any transaction related to Thomas Eugene Lee Jr. Among other transactions, the check revealed Thomas Eugene Lee Jr. purchased a cell phone from a Wal-Mart ecoATM at store number 2385, located at 762 Supermall Way SE in Auburn, Washington on July 8, 2020. During the transaction, photos were taken of Thomas Eugene Lee Jr. as he stood at the kiosk. In those photos, Thomas Eugene Lee Jr. wore the same black and white-patterned scarf he wore during

the Marci Jewelry robbery. Thomas Eugene Lee Jr. was also obligated to present his driver's license during the transaction, a photo of which was also taken at the kiosk.



Photos taken by the ecoATM pawn kiosk transaction on July 8, 2020

33. Det. Robertson was able to obtain additional prior booking photos of Thomas Eugene Lee Jr. from an October 27, 2019, arrest to compare with surveillance stills taken the day of the Marci Jewelry robbery:



October 2019 booking photo of LEE

May 31, 2020 Surveillance Stills

34. On August 21, 2020, Det. Robertson applied for, obtained, and submitted a Search Warrant 20-0-62238-1, issued out of King County Superior Court by the Honorable Elizabeth J. Berns, to Facebook, Inc., requesting data related to Thomas Eugene Lee Jr.'s Facebook account (account identifier 100002937248183; display name of "TO Isreal"). Several photos and videos associated with this account are publicly viewable. I was able to compare known images of Thomas Eugene Lee Jr. with the Facebook photos depicting the account holder and confirmed the Facebook images depict Thomas Eugene Lee Jr. Det. Robertson requested search results for basic subscriber

1 information, IP address logs, messages, photos, transactional information, and other
2 content and records associated with the account. The search warrant return was provided
3 to Det. Robertson by Facebook on September 18, 2020.

4 35. A review of the content of Thomas Eugene Lee Jr.'s Facebook account
5 revealed the following:

6 a. On May 31, 2020, Thomas Eugene Lee Jr. had a Facebook
7 Messenger chat with user "Sherm Roland," account identifier 100001826446511,
8 before the protests and civil unrest began to occur in Bellevue. In the conversation,
9 Thomas Eugene Lee Jr. and Sherm Roland seemingly discussed meeting in
10 Bellevue around the time² the protests were to begin and discussed bringing tools.
11 A few hours later, Thomas Eugene Lee Jr. asked, "U there bro?" to which Roland
12 responded, "Here. Started hours ago there's not bout to be anything left." Thomas
13 Eugene Lee Jr. then asked, "What they hit?" and asked specifically, "Is Gucci
14 gone?" Sherm Roland responded, "[They hit] the mall. The whole mall."

15
16
17
18
19
20
21
22
23
24
25
26
27 ² The time in the Facebook records is reported in UTC (coordinated universal time), which is eight hours ahead of
28 Pacific Standard Time, and seven hours ahead of Pacific Daylight Time. So, for example, where the records indicate
a communication took place at "2020-05-31 19:56:05 UTC," it took place on May 31, 2020, at 12:56 p.m. in our
time zone. Similarly, a communication sent at "2020-06-01 00:35:59 UTC" was sent at 5:35 p.m. May 31, 2020,
locally.

Thread (1012150468855825)

Current 2020-09-18 13:57:35 UTC

Participants Sherm Roland (Facebook: 100001826446511)
TO Isreal (Facebook: 100002937248183)

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:35:13 UTC

Body Lemme get a bottle of sum for \$20

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:42:12 UTC

Body Idc which one

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:42:25 UTC

Body If you still have them

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 19:56:05 UTC

Body Bellevue?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 19:56:25 UTC

Body Duh

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 20:03:51 UTC

Body I ready? Bring tools

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:04:37 UTC

Body I got some metal tools in the trunk [REDACTED]

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:04:46 UTC

Body Around 3?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 20:05:55 UTC

Body Yup it's on & I might be a lil early cause last time it popped off I wasn't ready got down there 2 late...

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:18:58 UTC

Body Yup Ima be a lil early too that's the move

Author Sherm Roland (Facebook: 100001826446511)

Sent

2020-05-31 20:19:09 UTC

Body And Niggas can get first dibs

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:26:33 UTC

Body U there bro?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:27:10 UTC

Body Hit me when it start jumpin off I'm on the way....

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:35:59 UTC

Body Here [REDACTED]

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:36:17 UTC

Body Started hours ago there's not bout to be anything left

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:43 UTC

Body What

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:54 UTC

Body They already hit

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:56 UTC

Body ?

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:36:58 UTC

Body Hell yeah

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:05 UTC
Body Gucci and allat next I guess

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:37:06 UTC
Body What they hit?

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:11 UTC
Body The mall

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:14 UTC
Body The whole mall

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:38:19 UTC
Body Dam dog I'm comin

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:38:31 UTC
Body Is Gucci gone?

b. In another exchange on August 8, 2020, a user by the name of “Madyson Ridenour” (account identifier 100051144914646) urgently asked Thomas Eugene Lee Jr. to contact her. Moments later, Ridenour sent a screenshot to Thomas Eugene Lee Jr. depicting a Q13 Fox News article of a *Washington’s Most Wanted* photo montage of suspects that were seen on surveillance video on May 31, 2020, in Bellevue, Washington, and who were alleged to have participated in the looting of businesses in the area. Two of the still images of suspects show Thomas Eugene Lee Jr. inside the AM/PM gas station shortly before the robbery of Marci Jewelry. Ridenour repeatedly tried to contact Thomas Eugene Lee Jr. through Facebook regarding the screenshot she sent to his account in Messenger. Thomas Eugene Lee Jr. eventually responded to her, stating simply, “I know.” Later, Ridenour told Thomas Eugene Lee Jr. in Facebook Messenger to, “Please be careful in all you do and make sure to save my number somewhere so you can call me just I’m [sic] case you get booked,” to which Thomas Eugene Lee Jr. responds, “Ok I will best friend I love u.”

Thread (3131361220305089)

Current 2020-09-18 13:57:16 UTC

Participants Madyson Ridenour (Facebook: 100051144914646)
TO Isreal (Facebook: 100002937248183)

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:06:42 UTC

Body Call me

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:06:44 UTC

Body Asap

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-08-08 03:09:02 UTC

Body Madyson missed your call.

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:09:24 UTC

Body Madyson sent a photo.

Attachments image-593979227911945 (593979227911945)

Type image/jpeg

Size 98981

URL https://interncache-atn.fbcdn.net/v/t1.15752-9/16643617_2595954693955570_3097769092080366062_n.jpg?_nc_sid=73a6a0&efg=eyJ1cmxnZW4iOiJwaHBfdXJsZ2VuX2NsaWVudC9pbW9nZW46RFJlTWVkaWVdGlscyJ9&_nc_ad=z-m&_nc_cid=0&_nc_ht=interncache-atn&oh=118e9915fde901522b0cfeb31cb29ef9&oe=5F8BC3FE

12:55 PM 92%



Q13fox.com



Benevento Police are hoping you can identify the burglar in the red North Face hoodie and his buddy in the black jacket with the multi-colored bandanna around his neck.



They were seen on Bartell's surveillance video breaking into the drug store to steal alcohol and other items.

"That day we had a lot of demonstrations and protests that were occurring in the downtown core ... and what we saw on the other side of the city, on the other side of 405, was some individuals that were



1 **Author** Madyson Ridenour (Facebook: 100051144914646)
2 **Sent** 2020-08-08 03:09:26 UTC
3 **Body** Look bruh
4
5 **Author** Madyson Ridenour (Facebook: 100051144914646)
6 **Sent** 2020-08-08 03:44:28 UTC
7 **Body** Text me so I have your number plz
8
9 **Author** Madyson Ridenour (Facebook: 100051144914646)
10 **Sent** 2020-08-08 03:44:34 UTC
11 **Body** 2067422004
12
13 **Author** Madyson Ridenour (Facebook: 100051144914646)
14 **Sent** 2020-08-08 03:44:48 UTC
15 **Body** You missed a call from Madyson.
16
17 **Author** TO Isreal (Facebook: 100002937248183)
18 **Sent** 2020-08-08 04:50:08 UTC
19 **Body** I know
20
21 **Author** TO Isreal (Facebook: 100002937248183)
22 **Sent** 2020-08-08 04:59:37 UTC
23 **Body** Best friend I need a ride!!! Can you come get me please??
24
25 **Author** Madyson Ridenour (Facebook: 100051144914646)
26 **Sent** 2020-08-08 05:34:47 UTC
27 **Body** No I got my car taken from me
28
29 **Author** Madyson Ridenour (Facebook: 100051144914646)
30 **Sent** 2020-08-08 05:34:56 UTC
31 **Body** Sorry I wish
32
33 **Author** Madyson Ridenour (Facebook: 100051144914646)
34 **Sent** 2020-08-08 05:35:45 UTC
35 **Body** Wya you okay though
36
37 **Author** Madyson Ridenour (Facebook: 100051144914646)
38 **Sent** 2020-08-08 05:36:14 UTC
39 **Body** Please be careful in all you do and make sure to save my number
40 somewhere so you can call me just I'm case you get booked
41
42 **Author** TO Isreal (Facebook: 100002937248183)
43 **Sent** 2020-08-08 05:52:30 UTC
44 **Body** I'm stuck right now stranded with nowhere to go
45
46 **Author** TO Isreal (Facebook: 100002937248183)
47 **Sent** 2020-08-08 05:52:34 UTC
48 **Body** Ok I will best friend I love u

1 36. Based on a comparison of these known photographs of Thomas Eugene Lee
2 Jr. to the photographs taken the day of the robbery in Bellevue, both at Marci Jewelry and
3 elsewhere, and based on the Facebook Messenger communications, I believe that the
4 person I described above as Suspect A who participated in the Marci Jewelry robbery is
5 Thomas Eugene Lee Jr.

6 37. On September 1, 2020, another anonymous tip was received regarding
7 Suspect B in the Marci Jewelry robbery. The tip stated, "I know the name of the the guy
8 in the Red NorthFace Jacket as well. I dont know his legal name but everyone knows him
9 by N.O. He lived in the pierce county area for quite a while. Mainly the fife area. Again
10 this is the looting situation at the jewlery store in Bellevue."

11 38. As part of my efforts to identify Suspect B, I submitted a query to a
12 regional law enforcement group with still photos of Suspect B along with the information
13 received in the tip. Multiple responses were received suggesting that Suspect B could be
14 WAYNE ERIC PORTER JR. (date of birth 10/15/19XX). A criminal history check
15 revealed WAYNE ERIC PORTER JR. had law enforcement contacts in the Fife and
16 greater Pierce County area, and according to the Washington State Department of
17 Corrections (DOC), WAYNE ERIC PORTER JR., who is currently on DOC supervision,
18 uses the moniker "N.O."

19 39. I obtained WAYNE ERIC PORTER JR.'s Washington driver's license
20 photo, as well as past booking photos, and compared the photos to still images captured
21 the day of the Marci Jewelry robbery.
22
23
24
25
26
27
28



WA driver's license photo issued September 5, 2019



Booking photos taken September 19, 2019



Surveillance still photos taken May 31, 2020

40. I conducted a social media check of any social media accounts that may be connected to WAYNE ERIC PORTER JR., including a Facebook search for accounts that might be used by him. I was able to find two accounts that are connected to WAYNE ERIC PORTER JR., OTM Clockwork and Wayne Porter (Otm ClockWork). Each of the

Facebook pages feature profile and/or “cover” photos depicting images of WAYNE ERIC PORTER JR. A Google search of “OTM Clockwork” revealed other internet pages featuring WAYNE ERIC PORTER JR., including a YouTube video streaming page of several rap videos headlining WAYNE ERIC PORTER JR. as the lead rap artist.



Otm Clockwork

Ain't a obstacle I can't overcome! Defeat or Surrender is not an option! WIN

Facebook page header for account "Otm Clockwork"



Wayne Porter (Otm ClockWork)

Destined for Success, Determined to Win, & Dedicated to Progress! •Born to Lead•

Facebook page header for account "Wayne Porter (Otm ClockWork)"

41. I observed that both Facebook accounts with the profile names “OTM Clockwork,” assigned account number 100037411562858, and “Wayne Porter (Otm ClockWork),” assigned account number 100026289796255, appeared to be active. I

1 reviewed photographs and videos which were posted on each profile, and which are
2 publicly viewable, and based on my review of driver's license photographs and booking
3 photos, I concluded that these are photographs and videos are of WAYNE ERIC
4 PORTER JR. In posting many of the photographs to each account on Facebook, WAYNE
5 ERIC PORTER JR. does not attempt to conceal his face or his distinctive tattoos, one of
6 which reads "504," which is the area code for the city of New Orleans, or N.O. A check
7 of a law enforcement database revealed that WAYNE ERIC PORTER JR.'s social
8 security number was issued in the State of Louisiana in the year of WAYNE ERIC
9 PORTER JR.'s birth. The same database also revealed that WAYNE ERIC PORTER
10 JR.'s father, Wayne Porter, Sr., had an address in Metairie, Louisiana, from 1977 until
11 2018. Metairie is a suburb of New Orleans.

12 42. On January 14, 2021, I applied for and obtained a search warrant for the
13 Facebook accounts associated with WAYNE ERIC PORTER JR., issued by the
14 Honorable Michelle Peterson, United States Magistrate Judge for the Western District of
15 Washington. On February 4, 2021, I received the results for WAYNE ERIC PORTER
16 JR.'s Facebook account "Wayne Porter (Otm ClockWork)." On February 5, 2021, I
17 received the results for WAYNE ERIC PORTER JR.'s Facebook account "OTM
18 ClockWork."

19 43. A review of the content of WAYNE ERIC PORTER JR.'s Facebook
20 account "OTM ClockWork," account number 100037411562858, revealed the following:

21 a. On May 22, 2020, WAYNE ERIC PORTER JR. had a Facebook
22 Messenger chat with user "Melissa Camacho," account identifier
23 100026141200908, nine days before the protests and civil unrest began to occur in
24 Bellevue. In the conversation, WAYNE ERIC PORTER JR. and Camacho
25 discussed meeting up at a grocery store. Camacho asked WAYNE ERIC PORTER
26 JR. what type of vehicle he would be in, to which WAYNE ERIC PORTER JR.
27 responded, "Hyaundia[sic] Elantra!...Silver."
28

Facebook Business Record

Page 4556

on moving to

Author Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 17:24:32 UTC**Body** He's not going for that he's hella tired and wants to go to sleep**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:24:44 UTC**Body** Can u meet me at winco in 20 min**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:25:07 UTC**Body** Cuz I'm on WiFi rn til I pay my bill**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:25:54 UTC**Body** I don't want us to miss each other or sumn ya kno**Author** Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 17:26:03 UTC**Body** What kind of car will you be in???**Author** Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 17:26:19 UTC**Body** Yes I know this already**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:26:34 UTC**Body** Hyaundia Elantra! Winco 20 min**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:26:41 UTC**Body** Silver**Author** Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 17:28:03 UTC**Body** Okay let me let my ride know okay**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:57:09 UTC**Body** Wya I'm at Popeyes**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:58:48 UTC**Body** You called Melissa.**Call Record** **Missed** false
Duration 80**Author** Otm Clockwork (Facebook: 100037411562858)**Sent** 2020-05-22 17:59:04 UTC**Body** I'm a just come grab u and we get sumn**Author** Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 17:59:06 UTC**Body** On 62nd and oaks**Author** Melissa Camacho (Facebook: 100026141200908)**Sent** 2020-05-22 18:04:10 UTC**Body** Melissa sent a live location.

Surveillance footage from May 31, 2021, taken from the AM/PM parking lot showed both Thomas Eugene Lee Jr. and WAYNE ERIC PORTER JR. arrive in a silver Hyundai Elantra with no permanent license plates. WAYNE ERIC PORTER JR. was the driver and Thomas Eugene Lee Jr. was the front passenger.



Silver Hyundai Elantra LEE and PORTER drove on May 31, 2020



Stock images of a 2010 Silver Hyundai Elantra

b. On August 1, 2020, WAYNE ERIC PORTER JR. uploaded a video to Facebook. The video depicted WAYNE ERIC PORTER JR. sitting on a sofa at an undisclosed location. WAYNE ERIC PORTER JR. is wearing a black t-shirt,

black jeans, and a black bandana with what appear to be Nike brand Air Jordan high-top basketball shoes. The shoes are primarily white, with red accents located on the bottom portion and top portion. The shoes appeared to be the same shoes worn by "Suspect B" as seen in surveillance footage taken from the Bartell drug store, the AM/PM, and Marci Jewelry on May 31, 2020.



PORTER seen in video posted to Facebook



Suspect B at the AM/PM on May 31, 2020. Suspect B during Marci Jewelry robbery.



Stock images of Air Jordan 9 "Gym Red" shoes, showing markings similar to shoes worn by Suspect B.

c. On August 19, 2020, WAYNE ERIC PORTER JR. uploaded two photos to Facebook. The photos depicted WAYNE ERIC PORTER JR. and user "Rissa Fitz," with whom WAYNE ERIC PORTER JR. appears to be, or once was, in an intimate relationship. In the first photo, WAYNE ERIC PORTER JR. wore a red True Religion brand t-shirt and a red, flat-brimmed Chicago Bulls cap with a shiny, circular sticker on the top side of the brim. In the second photo, WAYNE ERIC PORTER JR. appeared to be lying on a bed with user "Rissa Fitz." He wore a red North Face brand hoodie with white label on the left chest. The red Bulls cap and the red North Face hoodie appear to be the same clothing items worn by "Suspect B" as seen in surveillance footage taken from the Bartell drug store, the AM/PM, and Marci Jewelry on May 31, 2020.



Facebook images posted by PORTER to his Facebook page.



Suspect B at the AM/PM on May 31, 2020.



Stock images of North Face brand Red Box Pullover hoodie.

d. On October 10, 2020, WAYNE ERIC PORTER JR. had a Facebook Messenger exchange with user “Rissa Fitz,” an individual with whom he was in an intimate relationship. In the exchange, Rissa Fitz and WAYNE ERIC PORTER JR. appeared to be arguing over personal affairs and it appeared Rissa Fitz attempted to end the relationship. WAYNE ERIC PORTER JR. referenced

“wmw” during the exchange in the context of how stressed out he had been with having to upend his life in Western Washington after moving to Eastern Washington after the airing of the *Washington’s Most Wanted* program.

Author Rissa Fitz (Facebook: 1104850375)

Sent 2020-10-10 18:02:50 UTC

Body You was home 3 weeks out of the 4 months we lived together... to be honest! But we’re past that now... you did what you did and I responded in a way you pushed me too. Either way! We past that! U did what you did and I responded to it! I told you I didn’t want to go down that road wit you and begged you to keep it real... you never did that! So now we’re here [REDACTED]

Author Rissa Fitz (Facebook: 1104850375)

Sent 2020-10-10 18:04:24 UTC

Body Hopefully you an even better nigga to the next bitch [REDACTED]

Author Rissa Fitz (Facebook: 1104850375)

Sent 2020-10-10 18:05:52 UTC

Body And unfortunately for me I left my support system and family to be a support system for you and your family and still got fucked over! So now I gotta be around whoever I gotta be around to make the money to pay for the consequences of that! Feel me?

Author Otm Clockwork (Facebook: 100037411562858)

Sent 2020-10-10 18:18:41 UTC

Body Yea I get high, it aint what u do it's how u do it. Like I said no government money at all, I went to tricities wit one outfit and like 45\$! I got a new wardrobe, a car, a storage yesterday, like I said next it's a place MY place. Id say I'm doin better than most and on my way to better! I realized after our relationship that I don't and probly won't ever make a GD boyfriend, boyfriend number 2 maybe. I never ment to hurt you, I just wanted to get high a CPL days and come home once a week. You were goin crazy pulling up on me, saying u gon kill me, all kind of shit! Then this wmw shit, u of all ppl know I DNT wanna go BK rn. You have a very sharp tongue, and I DNT do what I did becuz of a fuckin phone, it's the level of disrespect I clidnt no longer tolerate! I ddnt care who was strapped or even there! I felt like u always try to down play a nigga when u mad! I wanted u to know I am a prideful ass nigga that will kill or die behind my respect! No nigga or bitch gon make me look any type of way in front other mufuckas! I lost it, I apologize for that I do. I hate that it took all I bn goin thru to see me for me, I can't even do music like I want to cuz of what's goin on! I'm really serious bout watching my daughter graduate! So I'm cautious and careful! Somebody told me Jayden was talking bout turning me in and that he was talking a bunch of shit and I know some of it true cuz they said shit I told him. ∞ I ain't fuckin wit niggas or bitches that I got be weary of, if I gotta worry I ain't fuckin wit it.

e. On October 19, 2020, WAYNE ERIC PORTER JR. had a Facebook Messenger chat with Thomas Eugene Lee Jr., user “TO Isreal,” account identifier 100002937248183. During the exchange, LEE disclosed to WAYNE ERIC

1 PORTER JR. that his grandmother recently passed away and then asked WAYNE
 2 ERIC PORTER JR. how he was doing. WAYNE ERIC PORTER JR. responded
 3 that he had been very stressed recently, "...Ever since that wmw shit came out I bn
 4 just tryna lay low! I moved out to Eastern Washington...Like a month and a half
 5 ago." The timing of the chat and the reference to "wmw" indicated that WAYNE
 6 ERIC PORTER JR. referred to the airing of the news program *Washington's Most*
 7 *Wanted* on July 31, 2020, approximately one and a half months prior to the
 8 Facebook Messenger chat:

9 **Author** Otm Clockwork (Facebook: 100037411562858)

10 **Sent** 2020-10-19 11:34:32 UTC

Body Wass gd wit u, u bn alright

11 **Author** TO Isreal (Facebook: 100002937248183)

12 **Sent** 2020-10-19 11:35:49 UTC

Body Bro I lost my granma

13 **Author** Otm Clockwork (Facebook: 100037411562858)

14 **Sent** 2020-10-19 11:36:16 UTC

Body Damn dog! Sorry to hear that my condolences

15 **Author** TO Isreal (Facebook: 100002937248183)

16 **Sent** 2020-10-19 11:38:44 UTC

Body Yeah it's crazy me & dg laid her to rest

17 **Author** TO Isreal (Facebook: 100002937248183)

18 **Sent** 2020-10-19 11:39:14 UTC

Body It been HARD

19 **Author** TO Isreal (Facebook: 100002937248183)

20 **Sent** 2020-10-19 11:39:44 UTC

Body How u been G?? Been prayin 4 ya ☹☹

21 **Author** Otm Clockwork (Facebook: 100037411562858)

22 **Sent** 2020-10-19 11:44:37 UTC

23 **Body** I bet! I bn alright, stressed like a mufucka! Ever since that wmw
 24 shit came out I bn just tryna lay low! I moved out to Eastern
 25 Washington
 26
 27
 28

Author Otm Clockwork (Facebook: 100037411562858)
Sent 2020-10-19 11:44:54 UTC
Body Like a month and a half ago

Author Otm Clockwork (Facebook: 100037411562858)
Sent 2020-10-19 11:45:16 UTC
Body Thank you for keeping me in your prayers

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-10-19 11:52:27 UTC
Body Yeah im tryin not 2 lose it G real shit haven't been able to function or really did shit since it happen.....swear I knew u would do sum like that to LMAO

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-10-19 11:54:26 UTC
Body Is it good out there

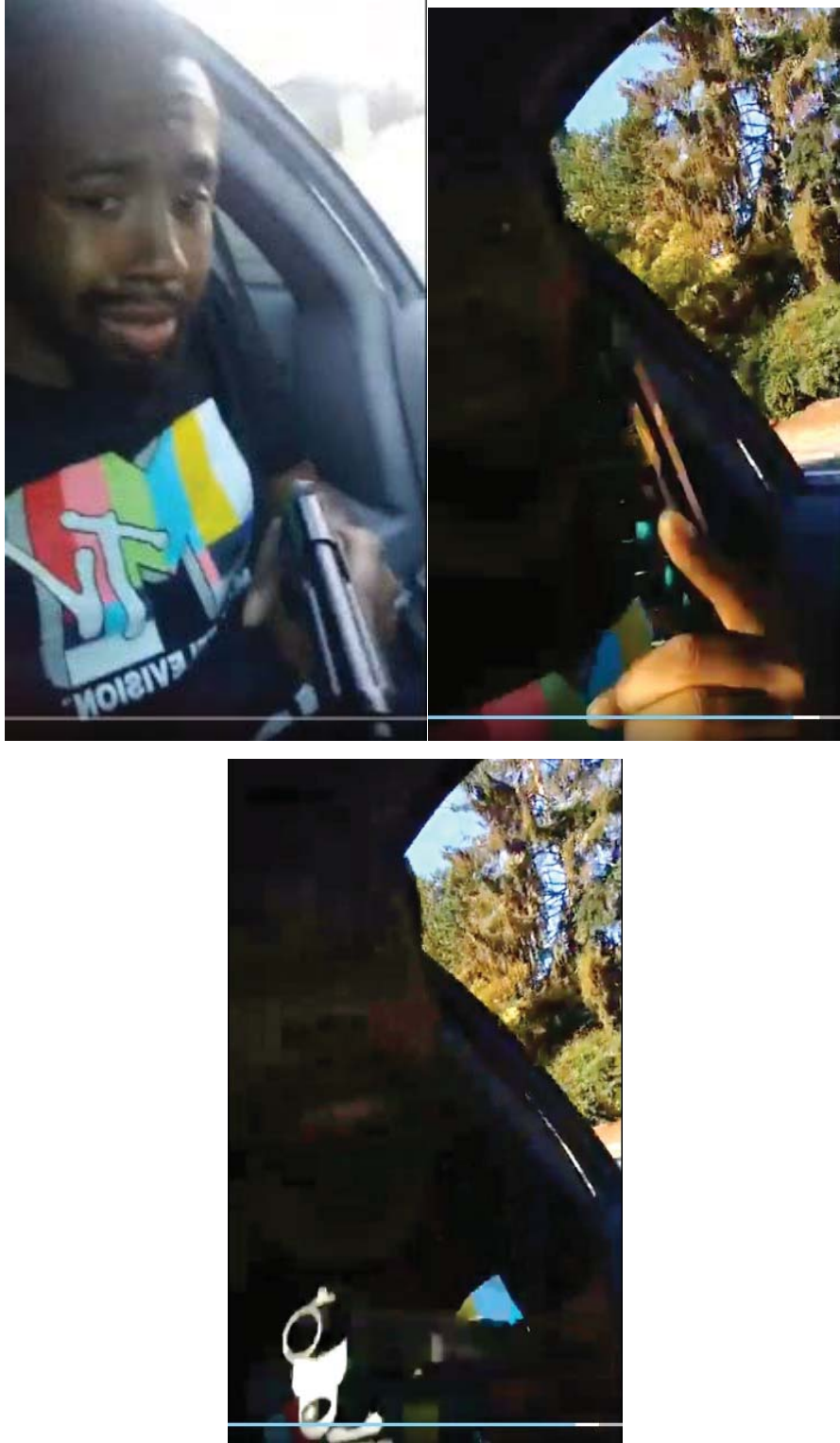
Author TO Isreal (Facebook: 100002937248183)
Sent 2020-10-19 11:55:16 UTC
Body Always my nigga u r family to me BROTHER 4 LIFE!!!

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-10-19 11:58:15 UTC
Body Plus we in it that 2getha lol tryna frame us dog but FUCK EM it ain't shit but what about you DOC??

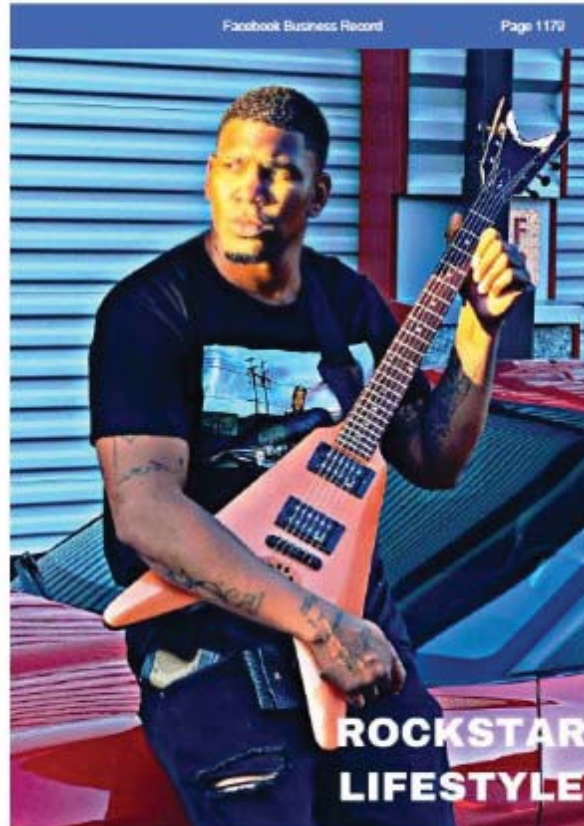
Author TO Isreal (Facebook: 100002937248183)
Sent 2020-10-19 12:04:20 UTC
Body You missed a video chat with TO.

THOMAS EUGENE LEE JR. AND WAYNE ERIC PORTER JR.'S POSSESSION OF FIREARMS

44. The information gathered from both Thomas Eugene Lee Jr. and WAYNE ERIC PORTER JR.'s Facebook accounts showed that each of them possessed objects that share characteristics similar to those of actual firearms. In one video posted to Thomas Eugene Lee Jr.'s Facebook page on July 26, 2020, Thomas Eugene Lee Jr. is seated in the passenger seat of a vehicle wearing a black t-shirt with a multi-colored MTV logo. In the video, he is rapping to the camera, and at several points during the video, he pointed what appeared to be a firearm at the camera:



1 45. WAYNE ERIC PORTER JR. appeared to possess firearms on numerous
2 occasions in the content of his Facebook account. In one instance, WAYNE ERIC
3 PORTER JR. was seen leaning against a vehicle holding an electric guitar. Protruding
4 from the front pants pocket of his jeans is the handle of what appeared to be a tan-colored
5 semi-automatic sub-compact pistol with a black slide and black magazine. The overlaid
6 text added to the photo reads: "ROCKSTAR LIFESTYLE:"



22 Unedited photos taken during what appeared to be during the same photo shoot show
23 WAYNE ERIC PORTER JR. aiming the same pistol at the camera. He sent this photo to
24 Facebook user "Molly Anne Jefferson," on August 29, 2020:

25

26

27

28



Photo ID 607625183233567

46. WAYNE ERIC PORTER JR. sent additional photos to “Molly Anne Jefferson” the same day which depicted him in possession of a semi-automatic pistol with a black polymer frame and silver-colored slide:





47. On September 1, 2020, WAYNE ERIC PORTER JR. contacted “Rissa Fitz” via Facebook messenger and asked if she wanted to, “see a pic of my new fiancé.” “Rissa Fitz” replied, “I’d love too[sic].” WAYNE ERIC PORTER JR. then sent the following photo to her:



26 The photo appeared to show a Taurus, Model PT-111 G2, 9mm caliber sub-compact
27 semi-automatic pistol with the safety engaged. In response to the photo, “Rissa Fitz” told
28 WAYNE ERIC PORTER JR., “Lemme hold that.”

48. On September 9, 2020, WAYNE ERIC PORTER JR. sent a video of him to user “Pablo Chicón,” account identifier 100008164066689. The video showed WAYNE ERIC PORTER JR. seated in a vehicle wearing a green tie-dyed shirt addressing someone he referred to as “Y.P.” WAYNE ERIC PORTER JR. panned the camera down to show what appeared to be two semi-automatic pistols lying in his lap:



The pistols appeared to be the same pistols in the photos previously sent to users “Mary Anne Jefferson” (pistol with black frame and silver slide) and user “Rissa Fitz” (Taurus, Model PT-111 G2, 9mm caliber sub-compact semi-automatic pistol).

INTERVIEW OF J.B. AND L.M.

49. On July 28, 2020, I went to Marci Jewelry and spoke with J.B. and L.M. regarding the status of their inventory and where they source the items they sell. J.B. said all of their jewels are sourced outside of the State of Washington and surmised that most, if not all, of their jewels originate from outside of the United States.

50. B.M., a Marci Jewelry store employee, provided a copy of a receipt from M-Clip, a brand of money clip sold at Marci Jewelry and also the brand of a money clip

1 stolen during the robbery on May 31, 2020. The receipt, dated November 9, 2018, with
2 Order No. 34802, itemizes a number of M-Clip brand money clips that were shipped to
3 Marci Jewelry in Bellevue, Washington, from the M-Clip facility, located in Savannah,
4 Georgia.

5 **ATTEMPTS TO LOCATE WAYNE ERIC PORTER JR.**

6 51. I conducted a records check on WAYNE ERIC PORTER JR. and learned
7 that he has an outstanding Washington Department of Corrections felony escape warrant
8 for his arrest. I learned from Community Corrections Officer (CCO). Leibrand, who
9 supervises him, that WAYNE ERIC PORTER JR. failed to report to his scheduled DOC
10 appointment in June 2020 (i.e., the month immediately following the robbery on May 31,
11 2020) and that CCO Leibrand has not heard from him since that time, despite numerous
12 attempts. CCO Leibrand does not know where WAYNE ERIC PORTER JR. is, but
13 assumed that he stays in motels along the Interstate 5 corridor. After his failure to report
14 in June 2020, a Washington DOC felony escape warrant subsequently issued for
15 WAYNE ERIC PORTER JR.'s arrest, however, WAYNE ERIC PORTER JR. has never
16 been located and arrested on that warrant. Furthermore, he has not self-surrendered or
17 contacted law-enforcement to resolve the warrant. Law enforcement agents have made
18 multiple attempts to locate WAYNE ERIC PORTER JR. without success.

19 52. On multiple occasions, ATF personnel conducted surveillance on the
20 address WAYNE ERIC PORTER JR. provided to the Washington Department of
21 Licensing and the Department of Corrections as being his address of record. The address
22 is a single family home located in Tacoma, Washington. This address appears to be his
23 parents' address. On several occasions, I saw, parked in the driveway of this residence, a
24 vehicle registered to that address under the name of A.M. Porter. It is believed that this
25 individual is WAYNE ERIC PORTER JR.'s mother. ATF personnel also saw a vehicle
26 arrive that was driven by an older black female, with another black female in the
27 passenger seat. The vehicle stopped at the end of the driveway for a few minutes and then
28 pulled into the garage. WAYNE ERIC PORTER JR. was never seen at this address.

53. WAYNE ERIC PORTER JR.'s Facebook activity was frequent through January 14, 2021, the last day of the requested timeframe covered by the aforementioned Facebook content warrant. I believe that WAYNE ERIC PORTER JR. continues to access his Facebook account because WAYNE ERIC PORTER JR. used Facebook to post on his and others' "timelines" and to communicate with "friends" using the Facebook Messenger application nearly every day up through the last date of the requested timeframe of the Facebook content warrant, January 14, 2021.

54. I believe that information contained in WAYNE ERIC PORTER JR.'s Facebook account will assist in the location and apprehension of WAYNE ERIC PORTER JR.

BACKGROUND ON FACEBOOK

51. Facebook is a United States company that owns and operates a social media platform and is the provider of an electronic communication service as defined by 18 U.S.C. §§ 3127(1) and 2510. Users can access Facebook and register for an account, like the Target Account, via its website, facebook.com, or via its mobile applications (Facebook and Facebook Messenger).

52. After acquiring a Facebook account, users can share messages with other Facebook users and, if desired, with the general public. Messages shared via a user's Facebook account can consist of user-generated text messages, user-uploaded photos or videos, and links to written news stories and other websites. Facebook users can post these messages on the webpage associated with their Facebook profile, and the user may use Facebook's privacy settings to control what audience (*e.g.*, the general public, only friends) may see these posts. Alternatively, users may post messages directly to another Facebook user's profile or a profile associated with a Facebook "group," "page," or "event."

53. Facebook also enables users to exchange private messages with other Facebook users via its website or via the use of the Facebook Messenger application. Messages may be purely text-based or may contain attachments such as photos, a video,

1 or an audio recording. In addition, users can make voice and video calls through the
2 Facebook Messenger service. Private messages and calls sent via Facebook cannot be
3 viewed by any user who is not a party to the communication.

4 54. Facebook users must utilize an Internet-connected device, such as a
5 smartphone or laptop computer, to communicate with Facebook servers in order to send
6 or receive messages via the Facebook platform as described above.

7 55. Devices directly connected to the Internet are identified by a unique number
8 called an Internet Protocol (“IP”) address. This number is used to route information
9 between devices. Generally, when one Internet-connected device (such as a smartphone
10 or laptop computer) requests information from a second device (such as a Facebook
11 server), the requesting device specifies its own IP address so that the responding device
12 knows where to send its response. In other words, when a user logs into their Facebook
13 account or takes an action while logged in (*e.g.*, uploading a photograph), the user’s
14 device transmits the IP address assigned to it to Facebook servers as part of its
15 communication. This IP address is analogous to a telephone number and can be recorded
16 by a pen/trap device, or obtained via a search warrant, and it indicates the online identity
17 of the communicating device without revealing the communication’s content.

18 56. On the Internet, data transferred between devices is not sent as a continuous
19 stream, but rather it is split into discrete packets. Generally, a single communication is
20 sent as a series of packets. When the packets reach their destination, the receiving device
21 reassembles them into the complete communication. Each packet has two parts: a header,
22 which contains routing and control information, and a payload, which generally contains
23 user data. The header contains non-content information such as the packet’s source and
24 destination IP addresses and the packet’s size. Source and destination port numbers are
25 also included in specific fields within the headers of data packets and are used to route
26 data packets either to a specific device or a specific process running on a device. When
27 combined with the source and destination IP addresses, this routing information can
28 identify the source device transmitting an IP packet and the destination device receiving

1 the IP packet, and it is possible to record it via a pen/trap device, or a search warrant,
2 without capturing the communication's content.

3 57. When users send and receive communications to each other via the
4 Facebook platform, additional non-content dialing, routing, addressing, and signaling
5 information may be generated. This information will typically include the source and
6 destination of the Facebook-based communication (*e.g.*, what Facebook user sent the
7 message and which Facebook user or page received the message), the date and time of
8 the communication, and the type of Facebook-based communication (*e.g.*, Facebook
9 Messenger chat or call). It is possible to collect this information with a pen/trap device.

10 58. Additionally, Facebook builds geo-location into some of its services. Geo-
11 location allows, for example, users to "tag" their location in posts and Facebook "friends"
12 to locate each other. In addition, Facebook users can "check in" to particular locations or
13 add their geographic locations to their Facebook posts, thereby revealing their geographic
14 locations at particular dates and times. It is possible to collect this information with a
15 search warrant.

16 59. IP addresses that WAYNE ERIC PORTER JR. has used to access the
17 account may be used to determine WAYNE ERIC PORTER JR.'s physical location.
18 Geolocation information may further identify places that WAYNE ERIC PORTER JR.
19 has been, and may be used to identify persons with whom WAYNE ERIC PORTER JR.
20 has been in contact, who may have knowledge of his whereabouts.

21 **AUTHORIZATION REQUEST**

22 60. Based on the foregoing, I request that the Court issue the proposed search
23 warrant and pen-trap order, pursuant to Federal Rule of Criminal Procedure 41, 18 U.S.C.
24 § 2703(c), and 18 U.S.C. § 3123.

25 61. I further request that the Court direct Facebook to disclose to the
26 government any information described in Attachment B that is within the possession,
27 custody, or control of Facebook. I also request that the Court direct Facebook to furnish
28 the government all information, facilities, and technical assistance necessary to

1 accomplish the collection of the information described in Attachment B unobtrusively
2 and with a minimum of interference with Facebook's services. The agency shall
3 reasonably compensate Facebook for reasonable expenses incurred in furnishing such
4 facilities or assistance.

5 62. Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant
6 by serving the warrant on Facebook. Because the warrant will be served on Facebook,
7 who will then compile the requested records and data, reasonable cause exists to permit
8 the execution of the requested warrant at any time in the day or night. I therefore request
9 that the Court authorize execution of the warrant at any time of day or night, owing to the
10 potential need to locate the Target Account outside of daytime hours.

11 ///

12 ///

63. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 90 days after the collection authorized by the warrant has been completed. There is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the Target Account would seriously jeopardize the ongoing investigation, which is likely to take 6 to 8 months, as such a disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, notify confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).

Catherine Cole

Digitally signed by Catherine
Cole
Date: 2021.03.01 14:16:34
-08'00'

Catherine Cole, Affiant
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on the 2nd day of March, 2021.


MARY ALICE THEILER
United States Magistrate Judge

EXHIBIT 1

DECLARATION

I, Erin H. Becker, declare as follows:

1. I am a duly appointed Assistant United States Attorney for the Western District of Washington, and I have primary responsibility for representing the interests of the United States herein.

2. I make this declaration in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) with an integrated pen-trap order pursuant to 18 U.S.C. §§ 3122 and 3123.

3. Pursuant to 18 U.S.C. § 3122(b), I certify that the Bureau of Alcohol, Tobacco, Firearms and Explosives is the law enforcement agency conducting the investigation in this matter and that the information likely to be obtained from the requested warrant is relevant to an ongoing criminal investigation being conducted by that agency.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing Application is made on the basis of information officially furnished, and on that basis I verily believe such information to be true.

Executed this 2nd day of March, 2021.

/s/ Erin H. Becker

Erin H. Becker

Assistant United States Attorney

ATTACHMENT A

Property to Be Searched and Subscriber/Subject Information

The electronically stored data, information, and communications contained in, related to, and associated with, including all preserved data associated with the Facebook user ID 100037411562858 with the profile name “OTM Clockwork” (the “Target Account”), as well as all other subscriber and log records associated with the Subject Account, which is located at premises owned, maintained, controlled, or operated by Facebook, Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

This warrant is issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701-2713, and the Pen Register Act, 18 U.S.C. §§ 3121-3127. As such, this warrant authorizes the collection of subscriber records, pen-trap data, and location data information regarding the Target Account. **This warrant does not authorize the disclosure or seizure of any tangible property or the content of any wire or electronic communication, as defined in 18 U.S.C. § 2510(8).** Accordingly, the Court finds reasonable necessity for the seizure of the data and records identified below. *See* 18 U.S.C. § 3103a(b)(2).

I. Section I: Information to be Disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. (“Facebook”), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the Subject Account listed in Attachment A:

1. **Subscriber/Account Information.** The following non-content information about the customers or subscribers associated with the Target Account listed in Attachment A:
 - a. Names (including subscriber names, user names, and screen names);
 - b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
 - c. Local and long distance telephone connection records for the past 90 days;

d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions for the past 90 days;

e. Length of service (including start date) and types of service utilized;

f. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifier (“MEID”), Mobile Identification Number (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

g. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and

h. Means and source of payment for such service (including any credit card or bank account number) and billing records.

2. Pen Register/Trap and Trace Data and Associated Subscriber Records to Be Provided for a Period of 45 Days.

a. Facebook shall install and monitor pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication (including but not limited to account logins; posts and comments on a Facebook profile or webpage; photo or video uploads; direct/private messages; and Facebook chats, calls, and video calls) to or from the Target Account including the date, time, and duration of the communication, and the following, without geographic limit and without notice to the subscriber:

(i) the date and time of the communication;

(ii) source and destination information (including account and device identifiers and login and transactional IP addresses with associated port numbers); and

1 (iii) any other header or routing information.

2 b. On a 24-hour-a-day basis, for the duration of the authorized pen-trap
3 devices, Facebook shall provide the following records for those subscribers whose
4 identifiers are obtained pursuant to the use of the pen-trap devices: published or non-
5 published user names and addresses.

6 **3. Prospective Cell Site Location Information.**

7 Pursuant to this warrant, Facebook shall provide “real-time” location data
8 including any physical addresses, GPS, latitude and longitude data, estimated latitude and
9 longitude data, location history, location data of private messages in the user’s inbox,
10 draft, and sent messages, to include latitude and longitude of sender and/or receiver, or
11 any other location data captured and stored by Facebook by whatever mechanism or
12 terminology for the listed Facebook profile, including any data collected by Facebook’s
13 location services via the user’s mobile phone or other device; such information to be
14 provided 24 hours a day, seven days a week, for a period of 45 days from the date of the
15 warrant, with no further order from the Court required.

16
17 **II. Section II: Information to Be Seized by the Government**

18 1. All information described above in Section I that will assist in locating
19 WAYNE ERIC PORTER JR., who has violated 18 U.S.C. § 1951 (Hobbs Act Robbery), is
20 the subject of federal criminal investigation, and is a “person to be arrested” within the
21 meaning of Federal Rule of Criminal Procedure 41(c)(4).

22 2. All non-content subscriber/account information provided pursuant to 18
23 U.S.C. § 2703(c).

24 3. All non-content dialing, routing, addressing, and signaling information
25 provided pursuant to 18 U.S.C. §§ 3121-3127.

26 4. Location Information regarding the Target Account.

27 Law enforcement personnel (who may include, in addition to law enforcement
28 officers and agents, attorneys for the government, attorney support staff, agency

1 personnel assisting the government in this investigation, and outside technical experts
2 under government control) are authorized to review the records produced by the
3 Facebook in order to locate the things particularly described in this Warrant.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28